

Meeting Date: 4-11-06



AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5B2



DATE: April 7, 2006

TO: City Council for Information

FROM: Executive Assistant to the Mayor and Council Offices

SUBJECT: Correspondence received regarding proposal to put Binding Arbitration for Public Safety Providers on the November 2006

The Mayor & Council Offices have received the following correspondence regarding the proposal to put Binding Arbitration for Public Safety Providers on the November 2006 ballot.

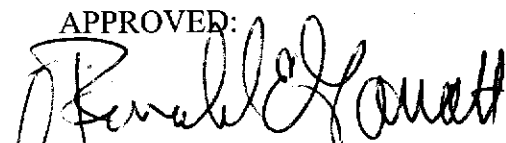
In favor: 1 email, 2 letters, 1 fax
Total: 4 in favor

Opposed: 1 letter
Total: 1 opposed

One email with questions


Kim Fettahlioglu
Executive Assistant
Mayor and Council Offices

APPROVED:


Jennifer Sparacino
City Manager

From: <artworks77@aol.com>
To: <Clerk@ci.santa-clara.ca.us>
Date: 3/31/06 10:23AM
Subject: Impartial arbitration for firefighters and police officers

To the Office of the City Clerk,

We urge you to support the ballot measure that would amend the city charter to provide for impartial arbitration for firefighters and police officers in the City. We see this issue as simply being about fairness. In regards to firefighters and police officers, not having the ability to or even being proponents of public safety strikes, the need to successfully amend the city charter for impartial arbitration would allow for a fair and equitable process to resolve the few issues that may arise.

Please vote to put impartial arbitration for police officers and firefighters on the ballot for November 2006.

Sincerely,
Art and Linda Marshall
2738 Forbes Avenue



RECEIVED

APR 07 2006

City Clerk's Office
City of Santa Clara

REAL ESTATE • PROPERTY MANAGEMENT • PUBLIC PROPERTY ADVISORS

RECEIVED

APR 07 2006

OFFICE OF THE MAYOR
CITY OF SANTA CLARA

April 7, 2006

Honorable Mayor and City Council
1500 Warburton Ave
Santa Clara, Ca. 95050

Re: Impartial Arbitration for Fire and Police Department Employee Disputes

Dear Mayor and City Council Members,

I'm writing to express my support for the City Council to place the City Charter Amendment Language regarding Impartial Arbitration for Fire and Police Department Employee Disputes on the November 2006 ballot.

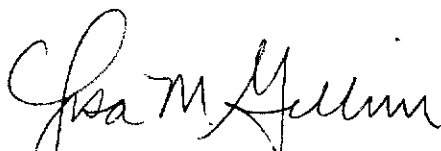
We have entrusted our citizens with many City Charter Amendment issues in the past and this is an ideal issue for the voters to determine the outcome.

We are all fortunate that this request to place this issue before the voters is coming to us with ample time before the November election. This gives us the opportunity to educate the voters on the pros and cons of this City Charter Amendment.

The City of Santa Clara has always been a great City and one of the key reasons for that is the quality of our Police and Fire Departments. I want our Public Safety Officers to continue to be the best. And if that means a more fair and equitable way of negotiating their labor contracts through Impartial Arbitration, then I support this Charter Amendment. This process has been used successfully in other public jurisdictions including many cities in Santa Clara County. So we are not re-inventing the wheel.

I have faith that the citizens of Santa Clara will make the right decision in November. And I respectfully request that the Mayor and City Council give the voters the opportunity decide this issue.

Sincerely,



Lisa M. Gillmor

STATE CAPITOL:
P.O. BOX 942849
SACRAMENTO, CA 94249-0022
(916) 319-2022
FAX (916) 319-2122

DISTRICT OFFICE:
274 CASTRO STREET, SUITE 202
MOUNTAIN VIEW, CA 94041
(408) 277-2003
FAX (408) 277-2084

E-MAIL:
assemblywoman.lieber@assembly.ca.gov

WEBSITE:
www.assembly.ca.gov/lieber

Assembly California Legislature



SALLY J. LIEBER

ASSEMBLYWOMAN, TWENTY-SECOND DISTRICT
ASSISTANT SPEAKER PRO TEMPORE

VICE-CHAIR, COMMITTEE ON LOCAL GOVERNMENT
CHAIR, SELECT COMMITTEE ON MOBILE HOMES
CHAIR, SELECT COMMITTEE ON HUMAN TRAFFICKING
CO-CHAIR, JOINT COMMITTEE TO DEVELOP A
MASTER PLAN TO END POVERTY IN CALIFORNIA
COMMITTEE ON HEALTH
COMMITTEE ON HUMAN SERVICES
COMMITTEE ON JUDICIARY
COMMITTEE ON NATURAL RESOURCES
COMMITTEE ON BUDGET
BUDGET SUBCOMMITTEE #3 - RESOURCES

The Honorable Patricia M. Mahan, Mayor
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

RECEIVED
APR 06 2006
City Clerk's Office
City of Santa Clara

Dear Mayor Mahan and Council members:

The City Council of Santa Clara has the opportunity to take a significant step for fairness and openness in labor relations with the police and firefighters of your city. I want to express my support for the efforts of Santa Clara Firefighters Local 1171 and the Santa Clara Police Officers Association to gain impartial arbitration through the vote of Santa Clara residents.

Impartial arbitration has proven to be an effective method of resolving contractual conflicts between public safety employees and their employers. Many cities and states currently use this process to resolve collective bargaining disputes when good faith negotiations become deadlocked. As you know, unlike other public employees, police and firefighters don't have the right to strike when their attempts to improve wages, benefits and working conditions face impasse. The inability to resolve important issues becomes damaging to the morale of those who are committed to protecting public safety.

I believe as public servants we should look for every opportunity to resolve unnecessary conflict. Your support and resolution to put this matter before voters would be a welcome gesture of good faith and collaboration. The willingness of the firefighters and police to pay for the costs of the election is commendable and indicative of their commitment to financial responsibility and accountability to the elected leaders and taxpayers of the City of Santa Clara. I urge you to place the proposed charter amendment on the ballot.

Warm thanks and regards,

SALLY J. LIEBER
Assemblywoman, 22nd District
Assistant Speaker Pro Tempore, California State Assembly

SJL: ha

County of Santa Clara

Office of the Board of Supervisors

County Government Center, East Wing
70 West Hedding Street, 10th Floor
San Jose, California 95110

(408) 299-5040

Fax: (408) 299-2038 TDD 993-8272

www.jimbeall.org

**James T. Beall, Jr.**
Supervisor Fourth District**RECEIVED**

APR 6 REC'D

April 7, 2006

Office of the City Manager
City of Santa ClaraSanta Clara County City Council
1500 Warbarton Avenue
Santa Clara, CA 95050**RE: Support for Santa Clara City firefighters and police officers' request to put the binding arbitration matter on the November 2006 ballot**

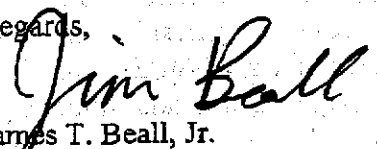
Dear Honorable Santa Clara Mayor and City Council Members:

As a long time supporter of law enforcement and our local firefighters, I am an advocate for treating our public safety officers with fairness. This is why I urge you to support your Santa Clara City firefighters and police officers and put the binding arbitration matter on the November 2006 ballot. Placing this issue on local ballot, reinforcing current existing state law encompassed in SB 440. SB 440 stipulates the use of binding interest arbitration for economic matters when negotiations come to an impasse for all firefighters and law enforcement officer employees.

Fairness is the heart of the issue, and creating a level playing field for your public safety officers who are unable to strike is the right thing to do.

Please vote to put this binding arbitration for police officers and firefighters on the November ballot and give the voters the opportunity to decide. If you would like to discuss this matter further, please give me a call. Thank you for your time.

Regards,


James T. Beall, Jr.
Santa Clara County Supervisor - District 4

JTB: sb





CHAMBER OF COMMERCE & CONVENTION-VISITORS BUREAU

April 6, 2006

The Honorable Mayor and
Members of the City Council
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

RECEIVED

APR 6 REC'D

Office of the City Manager
City of Santa Clara

RE: Opposition to Proposed Amendment for the City Charter to Provide Binding Arbitration for Police Officers and Fire Fighters in the City of Santa Clara

Dear Mayor and City Council:

The Santa Clara Chamber of Commerce Government Relations Committee met recently and voted unanimously to oppose the proposed amendment to the City Charter to provide Binding Arbitration for Police Officers and Fire Fighters in the City of Santa Clara. We respectfully urge you not to support placing this on the City ballot in November 2006.

There are several reasons why we oppose the proposed amendment. We have listed a few here:

Takes away local control. Binding arbitration would give all decision making power to three outside arbitrators, not elected by the people and not responsible for the ramifications their decisions have on the City. This is why the current Charter clearly outlines that decisions of this type are the responsibility of the City Council. The City Council is elected to make these decisions and they are entrusted with directing the financial situation of the City. This has worked for over fifty years and should continue.

Financial responsibility is compromised. The City Police and Fire departments are more than 50% of the entire general fund. Binding arbitration would hand over control of more than 50% of the General Fund to outsiders that have no in-depth knowledge of the complex City finances. Decisions made by outside arbitrators could impact other City departments potentially lowering the quality of service we provide to the business community and our citizens.

Operational concerns. Binding arbitration will impact the authority and responsibility of City administration. Operational and employee decisions could be taken out of the hands of the managers responsible for these departments. The underlying Civil Service system would be threatened since it could apply to discipline and grievances. This is why the Santa Clara Police Chief and Fire Chief are also opposed to binding arbitration.

Destroys relationships. Binding arbitration not only creates a distance between City administration, police and fire fighter employees but all City employees. It promotes taking sides and not working in good faith to reach agreements. What will stop other City bargaining units from requiring binding arbitration in their future negotiations?

Our City enjoys one of the most well respected police and fire departments in the country. The business community and citizens consistently receive excellent service from these very dedicated employees. Our crime rates are low and the City's fire safety rating is at the top of the list. We don't need to change a system that has worked for over five decades!

Santa Clara has always supported local control when it comes to our electric utility, ambulance transport services and fighting the State from taking City money to offset their deficits. Binding arbitration would take away much of the local control from the Council. We ask you to continue the "Santa Clara Way" of working together and not support the request to place binding arbitration on the November 2006 ballot.

Thank you for your time and consideration.

Sincerely,



Steve Van Dorn
President & General Manager

CC: Jennifer Sparacino, City Manager



From: <RTOwensSr@aol.com>
To: <mayorandcouncil@ci.santa-clara.ca.us>
Date: 4/6/06 2:19PM
Subject: Arbitration provision public safety

Please distribute copies of the attached letter to council members and staff as appropriate.

Bob Owens

Mayor Patricia Mahan
Members of the City Council
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 955051

April 5, 2006

Dear Mayor and Council Members,

I have the following questions and comments related to the proposed ballot measure addressing binding arbitration submitted by the City of Santa Clara Firefighters and Santa Clara Police Officer Association. These comments are submitted on my own behalf and do not represent any other entity, group or individual.

I recall a California Supreme Court decision issued approximately 35 years ago which dealt with the validity of submitting disputes between an organization representing firefighters and a city (Vallejo, I believe). Is the proposed ballot measure constitutional?

Similarly, is the proposed ballot measure authorized or permitted by the California Government Code or similar statutes regulating employment relations?

The proposed measure provides, in significant part, that "all disputes or controversies pertaining to wages, hours, or terms and conditions of employment" be submitted to a Board of Arbitrators. What matters are included within these "conditions of employment"?

Does the term include, for example:

- a) job duties (i.e. position descriptions)
- b) eligibility for initial employment and promotion
- c) causes for discipline
- d) procedures for the discipline of employees
- e) department operating procedures (for example police automobile pursuit procedures, use of weapons or restraint devices, citizen complaints, fire station staffing)

In the event a dispute arises whether or not a matter is within the scope of a "condition of employment," who resolves this dispute? Is such a dispute over "arbitrability" submitted to arbitration?

The proposed arbitration procedure calls for each party to submit a "last offer of settlement on each of the issues in dispute:" who determines the scope of the "issue" in dispute? For example, if one party offers a concession on salary in exchange for a reduction in hours worked, can the other party accept the reduction in hours worked and then demand to arbitrate on salaries? What is the effect of this provision on the style and tenor of negotiations?

Section (d) of the proposed measure contains the phrase "Notwithstanding any other provisions in the Charter." What does this mean? Usually it means that the proposed measure is superior to and controls over any other Charter provision. In particular, could such a provision require the revision of Charter Sections 1010 and 1011 related to the Civil Service Commission?

The fifth paragraph of Section (d) of the proposed measure requires the City to "take whatever action is necessary to carry out and effectuate the final Arbitration Board award". Is it contemplated that the City will be required to amend and/or repeal ordinances at the direction of a majority of the arbitration panel?

Thank you for your attention and consideration of the above.

Sincerely,

Robert T. Owens

2984 Aspen Drive
Santa Clara, CA 95051